

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	John H. Petrini et al.	Examiner:	Karen A. Canella
Serial No.:	09/837,138	Group Art Unit:	1642
Filed:	April 18, 2001	Docket No.:	800.019US3
Title:	METHODS TO ALTER LEVELS OF A DNA REPAIR PROTEIN		

---

**DECLARATION UNDER 37 C.F.R. § 1.132**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Anne Koch, declare and say as follows:

1. I am in the employ of the law firm of Schwegman, Lundberg, Woessner & Kluth, P.A., 1600 TCF Tower, 121 South Eighth Street, Minneapolis, Minnesota 55402, Applicant's attorney of record in the above-identified patent application.

2. I was informed by a representative of the publisher of the journal Cell that the volume containing Varon et al. (Cell, 93:467 (1998)) and Carney et al. (Cell, 93:477 (1998)) was first available on either April 30, 1998 or May 1, 1998.

3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

6-15-05

Date

Anne Koch  
Anne Koch